

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) 3:09-CR-00210-B(1)  
 )  
JESSE WILLIAM MCGRAW, )  
 )  
Defendant. )

REARRAIGNMENT HEARING  
BEFORE THE HONORABLE JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE  
MAY 14, 2010

A P P E A R A N C E S

For the Government:

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proceedings reported by mechanical stenography,  
transcript produced by computer.

SHAWNIE ARCHULETA, CSR/CRR  
FEDERAL COURT REPORTER - 214.753.2747

1 (In open court.)

2 THE COURT: Good morning. Thanks for  
3 everybody being willing to get together this early  
4 in the morning.

5 We are here on U.S. v. Jesse William  
6 McGraw, Case 3:09-CR-210, here for the  
7 rearraignment.

8 Will the parties please introduce  
9 themselves, starting with the government?

10 MS. HEATH: Your Honor, Candy Heath and  
11 Paul Yanowitch for the government.

12 MR. NICHOLSON: Good morning, Your Honor.  
13 I'm John Nicholson representing Mr. McGraw in this  
14 matter.

15 THE COURT: If you will come forward,  
16 please.

17 Good morning, Mr. McGraw.

18 THE DEFENDANT: Good morning.

19 THE COURT: I think we met a few weeks  
20 back. As I understand it, you are here today  
21 because you have entered into an agreement with the  
22 government to enter a guilty plea in this case. Let  
23 me just find the right paperwork.

24 Do I have plea papers?

25 MR. NICHOLSON: Your Honor, if I may, we

1 do not have a plea agreement with the government.  
2 The prior plea agreement was declared null and void  
3 by the Court.

4 THE COURT: Yes.

5 MR. NICHOLSON: What we are doing is  
6 asking the Court to consider, as a basis of  
7 Mr. McGraw's plea without a plea agreement to the  
8 original indictments, that the factual resume be  
9 filed in that cause. But we do not have a separate  
10 plea agreement with the government.

11 THE COURT: I just need a copy of that  
12 factual resume. I may have it right here in front  
13 of me. Yes. Okay. I've got the factual resume.  
14 Do you have a spare copy of it with you, either  
15 side, today?

16 MR. NICHOLSON: I have one.

17 MS. HEATH: Yes. Does the Court need one?

18 THE COURT: Could you pass that up here,  
19 please? All right. I believe this is still part of  
20 the record, but if not, I will make sure that it is.  
21 This is the factual resume that is document 21 in  
22 the files of this matter. All right.

23 The agreement is to enter a plea to which  
24 count?

25 MR. NICHOLSON: Well, Your Honor, there

1 are two counts in the original indictment.  
2 Mr. McGraw is going to enter a plea of guilt to both  
3 counts of the original indictment. We do not have  
4 an agreement with the government, which means it  
5 will be up to the government to decide what to do  
6 with the superseding indictment. We don't have an  
7 agreement with them, but we are hoping, as a  
8 practical matter, that that will be dismissed at the  
9 conclusion of this case.

10 THE COURT: The original indictment -- let  
11 me make sure I have that in front of me so I can  
12 make sure I can read it to Mr. McGraw. I'm still  
13 looking. Does anyone have a copy of the original  
14 indictment?

15 MS. HEATH: Yes, Your Honor, I have a  
16 copy.

17 THE COURT: Ms. Heath, if you will pass  
18 that up here, please. Thank you. All right.

19 Mr. McGraw, as I understand it, you have  
20 agreed to enter a plea of guilty to the indictment  
21 in this case; is that correct?

22 THE DEFENDANT: That is correct.

23 THE COURT: All right. We are going to go  
24 through these issues that we've talked about before  
25 just to make sure that it is free and voluntary and

1 you don't have any reservations about it. If you  
2 do, as I mentioned before, you just have to let me  
3 know. If you have something you want to ask me  
4 about or if you want to confer privately with  
5 Mr. Nicholson, that's fine as well.

6 THE DEFENDANT: Yes.

7 THE COURT: Raise your right hand and let  
8 me swear you in.

9 (The Defendant was sworn.)

10 THE DEFENDANT: Okay.

11 THE COURT: You do?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Is there something wrong with  
14 your arm?

15 THE DEFENDANT: Yes.

16 THE COURT: Is it injured?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. You all right?

19 THE DEFENDANT: I'm all right. Thank you.

20 THE COURT: I want to make sure, now that  
21 I've placed you under oath, that you understand that  
22 anything you say under oath, if you said something  
23 false, could later be used against you.

24 Do you understand that?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Let's go back through your  
2 background. Give me your full name, Mr. McGraw.

3 THE DEFENDANT: Jesse William McGraw.

4 THE COURT: How old are you?

5 THE DEFENDANT: Twenty-six.

6 THE COURT: How far did you go in school?

7 THE DEFENDANT: Up to third grade.

8 THE COURT: Third grade? No schooling  
9 after that?

10 THE DEFENDANT: No.

11 THE COURT: No education after that?

12 THE DEFENDANT: It was -- I was  
13 home-schooled, but I didn't do any of the work.

14 THE COURT: Well, home-schooled is  
15 schooling. How long were you home-schooled?

16 THE DEFENDANT: Just a couple of years.

17 THE COURT: So you weren't home-schooled  
18 all the way up to the equivalent of the 12th grade?

19 THE DEFENDANT: No.

20 THE COURT: Do you have any problem -- and  
21 I can see by observing you, you don't appear to in  
22 any way. You appear to be a very intelligent and  
23 articulate young man. Do you have any problem  
24 reading or writing?

25 THE DEFENDANT: No.

1           THE COURT: Obviously you are competent in  
2 other areas, including the computer; is that  
3 correct?

4           THE DEFENDANT: That is correct.

5           THE COURT: Have you been treated recently  
6 for any mental illness or addiction to narcotic  
7 drugs of any kind?

8           THE DEFENDANT: No, ma'am.

9           THE COURT: Are you currently under the  
10 influence of any kind of drug or medication or  
11 alcoholic beverage of any kind?

12          THE DEFENDANT: No, ma'am.

13          THE COURT: As you stand here today,  
14 Mr. McGraw, are you telling me you are fully capable  
15 and competent to participate in this discussion  
16 about your plea?

17          THE DEFENDANT: Yes, ma'am.

18          THE COURT: And do you have any questions  
19 about that, Mr. Nicholson?

20          MR. NICHOLSON: No, Your Honor, I believe  
21 Mr. McGraw is fully competent.

22          THE COURT: Let's go back and talk about  
23 the original indictment. Mr. McGraw, have you  
24 received a copy of the original indictment against  
25 you?

1 THE DEFENDANT: Yes, ma'am, I have.

2 THE COURT: Have you had a chance to  
3 review the charges thoroughly with your counsel?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you fully understand what  
6 you are charged with in these two counts?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And again, just so  
9 the record is clear, I don't think I said this  
10 before, but you said you were pleading guilty to the  
11 indictment, and that would include Count 1,  
12 transmitting a malicious code under 18 U.S.C.  
13 Section 1030(a)(5)(A) and 1030(c)(4)(B)(i)(II), as  
14 well as Count 2 under the same charge, transmitting  
15 a malicious code under 18 U.S.C. 1030(a)(5)(A) and  
16 1030(c)(4)(B)(i)(II) and (IV), just so that we are  
17 clear.

18 Do you have any questions at all about the  
19 nature of the charges against you?

20 THE DEFENDANT: No, ma'am, I don't.

21 THE COURT: All right. Have you -- you  
22 have an opportunity and a right to have the full  
23 indictment read to you here in open court or you can  
24 waive that right. How do you wish to proceed?

25 THE DEFENDANT: I will waive the right.



1 THE COURT: As I understand it, there is  
2 no plea agreement. Correct?

3 THE DEFENDANT: That is correct.

4 THE COURT: Yes. And before I go any  
5 further, are you fully satisfied at this point with  
6 the representation Mr. Nicholson has given you and  
7 the advice?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Thank you. All right. I want  
10 to make sure, though, even though there is no plea  
11 agreement, that there is nothing that is causing you  
12 to enter this plea other than your desire to plead  
13 guilty; in other words, make sure that you haven't  
14 been promised anything.

15 I would expect that Mr. Nicholson has, as  
16 every attorney does, discussed with you where your  
17 case and your background might cause you to fall in  
18 the advisory guidelines. I would expect that. But  
19 I want to make sure you understand and tell me on  
20 the record today that you understand that this is a  
21 discretionary call, it's the Court's call and not  
22 the attorney's. Do you understand that?

23 THE DEFENDANT: Yes, ma'am, I do.

24 THE COURT: So anything that's been  
25 suggested to you or described to you, although

1 accurate under the guidelines, may be something that  
2 the Court completely disagrees with.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: So has there -- you're telling  
6 me that there has been no suggestion or promise to  
7 you by your attorney or otherwise as to what  
8 sentence you might get.

9 THE DEFENDANT: That is correct, no  
10 promises whatsoever.

11 THE COURT: All right. Has anyone  
12 threatened you or pressured you in any way to get  
13 you to plead guilty?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Are you pleading guilty here  
16 today freely and voluntarily because you are guilty  
17 and for no other reason?

18 THE DEFENDANT: That is right.

19 THE COURT: Okay. Also I want to make  
20 sure that you understand -- and we've talked about  
21 this before -- your constitutional rights as a  
22 person charged with a crime and what you are  
23 waiving.

24 Do you understand, Mr. McGraw, that, by  
25 pleading guilty to a felony crime, if I accept your

1 plea you will be adjudged guilty, and that may  
2 deprive you of valuable civil rights, such as the  
3 right to vote, the right to hold public office, the  
4 right to a serve on a jury, and the right to possess  
5 any kind of firearm.

6 Do you understand you have a right under  
7 our Constitution and laws to persist in your plea of  
8 not guilty and have a trial with a jury deciding  
9 your fate? Do you understand that?

10 THE DEFENDANT: Yes, ma'am, I do.

11 THE COURT: And if you couldn't afford an  
12 attorney, you would be entitled, as you are now, to  
13 a court-appointed counsel to represent you at the  
14 trial. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: At the trial, you would have a  
17 right to be presumed innocent as opposed to here.

18 Do you understand that?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: At the trial, you would also  
21 be able to require, as our law requires, the  
22 government to bear the full burden of proof.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: What that means is, the

1 government at trial, as opposed to here, would have  
2 to bring evidence in to establish your guilt beyond  
3 a reasonable doubt with competent evidence and  
4 witnesses.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And at the trial, the  
8 government would have to bring their witnesses here  
9 in your presence and all the exhibits, and you would  
10 get a chance to look at those, examine those, and  
11 have your attorney question the witnesses.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: You would also have a right,  
15 but no obligation, to produce any evidence on your  
16 own behalf. In other words, the government bears  
17 the full burden in a trial. They have to bring the  
18 evidence forward. You have no burden, and our law  
19 protects you from even having to testify against  
20 yourself.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And also, if you decided not  
24 to testify -- again, that is completely your  
25 choice -- that that decision to remain silent could

1 not be held against you by the jury at a trial in  
2 deciding your guilt.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Also, if you had a  
6 trial, although you have no burden, you have the  
7 right to bring witnesses down here and have them  
8 testify. Your lawyer could subpoena them if you  
9 chose. Do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Do you understand that, by  
12 pleading guilty and if I accept your plea, you will  
13 have waived your right to a trial. You can't change  
14 your mind. There will be no further trial in this  
15 proceeding of any kind.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do, Your Honor.

18 THE COURT: And you also waive all those  
19 rights, such as the presumption of innocence, the  
20 burden of proof, and your right not to testify  
21 against yourself.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Let's talk about the  
25 punishment that you face in this case.

1           Ms. Heath, would you recite the punishment  
2 range for us, please?

3           MS. HEATH: Yes, Your Honor. In each  
4 count of the indictment, the maximum penalty the  
5 Court can impose is imprisonment for a period not to  
6 exceed ten years; a fine not to exceed \$250,000 or  
7 twice any pecuniary gain to the defendant or loss to  
8 the victim; a mandatory term of supervised release  
9 of not less than two years nor more than three  
10 years, and that must follow the term of  
11 imprisonment.

12           And if he violates any condition of the  
13 supervised release, he could be in prison for the  
14 entire term of supervised release; a mandatory  
15 special assessment of \$100 in each count;  
16 restitution to the victims or the community, which  
17 may be mandatory under the law.

18           And Mr. McGraw understands that the  
19 restitution may include restitution from all  
20 relevant conduct, as well as what is charged in the  
21 two counts; costs of incarceration and supervision  
22 and forfeiture of property.

23           THE COURT: Thank you. Ms. Heath, would  
24 you tell me what you are reading from? I want to  
25 make sure there is no confusion with the previous

1 factual resume being utilized and whatever it sets  
2 forth as far as punishment. I want to make sure  
3 that's in writing what you read.

4 MS. HEATH: It is not in writing because  
5 there is no plea agreement in the case.

6 THE COURT: I see. Having had you say  
7 that, then, just because this is a little unusual  
8 not to have the punishment range at least in writing  
9 in the factual resume, would you go -- I'm assuming  
10 it was in the previous plea agreement that that had  
11 to do with the superseding indictment.

12 MS. HEATH: Correct -- no, that had to do  
13 with the original indictment.

14 THE COURT: All right. So if I look at  
15 the original plea agreement, although that is not in  
16 place, it does contain in writing the potential  
17 penalties that Mr. McGraw faces.

18 MS. HEATH: Correct, Your Honor. And if  
19 the Court wishes, I can file a new document  
20 reflecting what I just stated on the record as to  
21 what the punishment -- potential punishment would be  
22 in this case.

23 THE COURT: I don't think that's  
24 necessary. I just want to make sure -- I want to  
25 pull it quickly and make sure that I have looked at

1 it carefully and that there's no question from  
2 Mr. McGraw as to what range of punishment he's  
3 looking at.

4 Do you have that document in front of you?  
5 Or Mr. Nicholson, do you have that in front of you?

6 MR. NICHOLSON: For the purposes of the  
7 hearing, I took the page from the now void plea  
8 agreement, because it contained the penalty  
9 provisions we will be reviewing today, so Mr. McGraw  
10 and I can review them.

11 I have that one single page, if the Court  
12 would like to review it.

13 THE COURT: Would you pass that to  
14 Mr. Reynolds, please?

15 MR. NICHOLSON: Yes, Your Honor.

16 THE COURT: Thank you.

17 MR. NICHOLSON: And Your Honor, I would  
18 note that the two counts in the original indictment  
19 are essentially the same, not entirely, but  
20 essentially the same as the first two counts of the  
21 superseding indictment.

22 THE COURT: It is -- what I have received  
23 from you is part of document 20, which is still part  
24 of the Court record. And just so that I'm clear, it  
25 does reflect what Ms. Heath just said, which is the



1 penalty includes imprisonment not to exceed 10  
2 years, a fine not to exceed 250,000, the mandatory  
3 term of supervised release of not less than two, no  
4 more than three years, the special assessment of  
5 \$100, restitution costs and incarceration,  
6 supervision and forfeiture.

7 Mr. McGraw, are you clear on what  
8 punishment you potentially face by virtue of this  
9 guilty plea?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And I don't know, because I  
12 haven't see the presentence report, where I will  
13 consider the reasonable range for you. Again, the  
14 guidelines are advisory, but I just want to make  
15 sure you understand, as we have discussed before,  
16 that you open yourself to the full range of  
17 punishment including the maximum by this guilty  
18 plea.

19 Do you understand that?

20 THE DEFENDANT: That is correct.

21 THE COURT: You still wish to persist in  
22 this plea?

23 THE DEFENDANT: Yes.

24 THE COURT: As far as supervised release,  
25 I believe we have discussed that before, but the

1 supervised release is a period of time which you are  
2 out of custody but under strict supervision,  
3 conditions of which you have to comply with. If you  
4 violate any of those during any period of time  
5 during the two or three years, you would face the  
6 full two or three years that you are on supervised  
7 release for as opposed to the remaining time that  
8 you have been out.

9 Do you understand?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And you still wish to persist  
12 in this plea?

13 THE DEFENDANT: That is correct.

14 THE COURT: Because this has become an  
15 issue in these cases -- and I don't think this  
16 matters here -- if you are not a citizen of the  
17 United States, you would face deportation by this  
18 guilty plea.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Do you have any questions  
22 about anything I have gone over so far?

23 THE DEFENDANT: No, ma'am, I do not.

24 THE COURT: Again, the only catch in many  
25 of these pleas is that people come in and they have

1 an idea that they might get a certain sentence and  
2 they don't, and then they think that perhaps they  
3 can complain about it. And I want to make sure that  
4 you -- when I say you can complain, certainly you  
5 can appeal it, but you can't get out of your guilty  
6 plea if you don't get what you think you should.

7 Do you understand that?

8 THE DEFENDANT: I do.

9 THE COURT: Now that I have informed you  
10 of your rights and the possible consequences of  
11 pleading guilty, Mr. McGraw, how do you plead to  
12 Counts 1 and 2 of the original indictment in this  
13 case, guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: All right. The factual  
16 resume, as I understand it, is the same facts that  
17 we had looked at and had been filed previously as  
18 document 21 in this case.

19 Do you have that in front of you with  
20 Mr. Nicholson?

21 THE DEFENDANT: I do, ma'am.

22 THE COURT: You do. Have you reviewed  
23 that carefully with him?

24 THE DEFENDANT: Yes, we have.

25 THE COURT: All right. That's a

1 relatively lengthy document, as far as factual  
2 resumes. It goes to nine pages. Do you understand  
3 and agree with all provisions here in this nine-page  
4 document?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Is there anything that you  
7 think should be changed or altered in any way?

8 THE DEFENDANT: No, it is fine the way it  
9 is.

10 THE COURT: Did you sign the last page?

11 THE DEFENDANT: Yes, I did.

12 THE COURT: You have the right to have the  
13 full document read to you in open court or you can  
14 waive that right. How do you wish to proceed?

15 THE DEFENDANT: I will waive it.

16 THE COURT: I want to make sure that you  
17 do agree, however, that what's contained in this  
18 factual resume as the essential elements of these  
19 crimes to which you are pleading guilty -- and I'm  
20 assuming they are the same essential elements for  
21 this original indictment that he's pleading to as  
22 they were previously -- I want to go ahead and have  
23 the government articulate the essential elements of  
24 these two counts for Mr. McGraw. Please listen  
25 carefully.

1 MS. HEATH: Yes, Your Honor. Both counts  
2 have the same essential elements; Count 2 has one  
3 extra provision.

4 The government would have to prove beyond  
5 a reasonable doubt the following elements:

6 First: That Mr. McGraw, through means of  
7 a computer used in interstate commerce or  
8 communications, knowingly caused the transmission of  
9 a program, information, code, or command to another  
10 computer or computer system, as charged.

11 Second: That McGraw, by causing the  
12 transmission, intended to damage the receiving  
13 computer, computer system, information, data or  
14 program, and withhold or deny, or cause the  
15 withholding or denial, of the use of a computer,  
16 computer services, system, or network, information  
17 data or program;

18 Third: That McGraw so acted without the  
19 authorization of the persons or entities who own or  
20 are responsible for the computer system receiving  
21 the program, information code, or command; and

22 Fourth: That Mr. McGraw's acts  
23 potentially modified or impaired the medical  
24 examination, medical diagnosis, medical treatment,  
25 or medical care of one or more individuals.

1           And for Count 2: That McGraw's acts  
2 potentially created a risk to public health and  
3 safety.

4           THE COURT: And Ms. Heath, just so we are  
5 clear on this, these are the essential elements of  
6 the first two counts in the original indictment to  
7 which he is pleading guilty?

8           MS. HEATH: Correct.

9           THE COURT: And Mr. McGraw, you have heard  
10 these essential elements of the crime that you are  
11 pleading guilty to or the crimes. Do you agree that  
12 you committed these two offenses you are charged  
13 with and now pleading guilty to in a way that  
14 includes these essential elements?

15          THE DEFENDANT: Yes, Your Honor, I do.

16          THE COURT: So you are agreeing under  
17 oath, then, that you committed these crimes in a way  
18 that includes these essential elements, as well as  
19 tracked by the factual resume in the facts portion  
20 of the document that begin on, I believe, page 2 and  
21 go through page 8.

22          THE DEFENDANT: That is correct.

23          THE COURT: All right. Do you have any  
24 questions or anything at all that you would like to  
25 ask me or ask your attorney privately before we

1 adjourn?

2 THE DEFENDANT: No, ma'am. Everything is  
3 good.

4 THE COURT: All right. Thank you,  
5 Mr. McGraw.

6 I find, therefore, that the defendant is  
7 fully competent and capable of entering an informed  
8 plea; that he is aware of the nature of the charges  
9 and the consequences of his plea; that his plea is  
10 therefore -- that his plea of guilty is knowing and  
11 voluntary, supported by an independent basis in fact  
12 containing each of the essential elements of the  
13 crimes charged in the original indictment in this  
14 case, Counts 1 and 2.

15 His plea is therefore accepted, and it is  
16 ordered and adjudged that the defendant is guilty of  
17 the offenses charged in Counts 1 and 2 of the  
18 original indictment in this case.

19 Just to clarify for the paperwork, then,  
20 in the case, I don't need anything additional with  
21 regard to the range of punishment because that's  
22 contained in document 20 of the original plea  
23 agreement. And we've utilized the factual resume to  
24 cover the facts in this case; that's document 21.  
25 Again, they cover the facts as set forth in the

1 original indictment to which Mr. McGraw has pled  
2 guilty.

3 Any questions about that? And I will  
4 return these documents to both of you before we  
5 adjourn because I think I have sufficient  
6 documentation on the record.

7 MR. NICHOLSON: No questions by the  
8 defense, Your Honor.

9 THE COURT: All right. Sentencing.  
10 Mr. McGraw, what happens next is your sentencing in  
11 this case. Before we get to the sentencing, it will  
12 be some time, because we have to have the  
13 presentence report put together.

14 I note probation is not here, and so we  
15 are going to have to make sure they get all the  
16 information. Oh, they are here. Thank you very  
17 much. I didn't see you back there.

18 So you will be meeting with  
19 U.S. Probation. You will get a chance to  
20 participate and submit information with your  
21 attorney to the presentence report, as will the  
22 government, and you will have a chance to,  
23 thereafter, object to it. And perhaps, based upon  
24 your objections, another version will be put  
25 together. But in any event, I'll get the



1 presentence report and review it, and that's what I  
2 will be looking at before your sentencing.

3 I have a sentencing date, and I don't have  
4 it right here in front of me because of our quick  
5 assessment of this this morning in putting it  
6 together, but I will get that out to you. We have  
7 the schedule in the back, and I will get it right  
8 back to you.

9 Is there anything else before we adjourn?

10 MR. NICHOLSON: Not from the defense.

11 MS. HEATH: Not from the government, Your  
12 Honor.

13 THE COURT: All right. Mr. McGraw is  
14 remanded to custody. Hold on a second, and we will  
15 get you a copy of the scheduling order.

16 (Court in recess at 8:53 a.m.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Shawnie Archuleta, CCR/CRR, certify  
that the foregoing is a transcript from the record  
of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees  
format comply with those prescribed by the Court and  
the Judicial Conference of the United States.

This 20th day of May 2011.

s/Shawnie Archuleta  
Shawnie Archuleta CCR No. 7533  
Official Court Reporter  
The Northern District of Texas  
Dallas Division

My CSR license expires: December 31, 2011

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